United Nations A/HRC/38/NGO/33

General Assembly

Distr.: General
5 June 2018

English only

Human Rights Council
Thirty-eighth session
18 June-6 July 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.18-09004(E)
1809004

Please recycle

The Silenced Voices of Labour Movement in Bahrain*

Introduction

In Bahrain, the formation of trade unions was legally allowed in the early 2000s, but the government has not accepted the repeated demands of trade unions to participate in the country's political, economic and social decision-making, which is essentially a fundamental right and an inherent democratic right. The authorities in Bahrain have continued to take the top-down decision-making approach and abuse this productive and labour sector.

The voices of labour movements are silenced

The Bahraini authorities have continued to neglect many of the demands of the unions and the International Confederation of Trade Unions (ICFTU) to stop the restrictions and its abuses against labour movements, and against workers and trade unions, which reached its peak since the beginning of the mass protests in 2011.

In 2011, the Bahraini authorities dismissed thousands of workers from both the public and private sectors as collective punishment for participating in labour strikes. Hundreds of members of trade union and thousands of workers were arrested. Criminal charges were brought against them either for participating in the strike or taking part in the movement took place in the country. Many of them lost their jobs and have been tortured by the authorities. An example is the case with the chairman of the teachers' association Mahdi Abu Deeb and his deputy Jalila Al Salman who were tortured during interrogations and imprisonment.

The Bahraini authorities have not only physically abused trade unionists butled a vicious media campaign, accusing them of treason that "defamed Bahrain." Trade unions have demanded that all those who have been dismissed be returned, however they were not placed back into their jobs or in best case were placed in lower-ranking positions with lower pay than their previous posts.

The unions also called for an end to the policy of sectarian discrimination in employment and the policy of dismissing employees because they belong to the Shiite community or for participating in anti-government protests. This is contrary to the International Convention adopted by the General Conference of the International Labour Organization on 25 June 1958 at its forty- Employment and Occupation Convention No. 111.

Undoing the articles of the Trade Unions Law

The Bahraini Trade Unions Act of 2002 came too late in comparison to the Labour Law of 1976. The current law lacks an explanatory memorandum and lacks provisions and articles that protect the rights of national workers. It contains restrictive articles for dialogue between trade unions and the authorities, and also prohibited workers of the public sector from forming unions defending their interests. Article 21 of the law also restricted the inherent right and effective means of defending the workers' rights, namely the right of strike, with restricting article that limits their ability to activate this right and carry out labour strikes.

In the authority's efforts to eliminate labour movements, the law was amended. The Minister of Labour was granted the right to choose the labour union which represents the workers of Bahrain in international forums and negotiations with the employers. The authorities also pushed towards controlling and dividing trade unions to ensure hegemony over workers' voices by pushing loyalists to break-in unions and the establishment of unions loyal to the Authority. That is to tighten the screws on the General Union of Bahrain Trade Unions, which the authority sees as opponent due to its support for popular demands in the transition to democracy in 2011.

Since October 2012, the Bahraini authorities have violated Article 21 of the Royal Decree of the Bahraini Trade Union Law of 2002, which stipulates that the strike is a legitimate mean of defending the economic and social interests of the labour. Where the Interior Minister Sheikh Rashid bin Abdullah Al Khalifa commented through the Bahrain News Agency and broadcasted by international news agencies such as Reuters, that: "marches and protest rallies will be treated as unlicensed and legal proceedings will be taken against those who call for or participants in them".

Even before October 2012, the security authorities in Bahrain used to face these protests with repression. There are usually clashes between a number of demonstrators and police. The demonstrations end with the arrest of citizens. In May 2013, during the suppression of labor marches, Photographer of the French news agency Mohamed Al Sheikh, The Associated Press photographer Hassan Jamali, Radio Monte Carlo correspondent Naziha Saeed were all arrested and released in later times. Authorities in Bahrain have not responded to human rights organizations' claims or the claims of the General Federation of Bahrain Trade Unions to abide by the constitution, which allows for protests and to comply

with the Bahraini Union Law. It is worth noting that at the first of May trade unions all over the world organize marches and protests calling for the improvement of wages and modify the conditions and also demands concerning legal amendments and other types of workers' claims.

Trafficking in poor migrant labour

Bahrain has tens of thousands of migrant workers living in extremely poor conditions with low wages and in uninhabitable housing. A few laws have been written, but remained unenforceable, thereby ineffective and failed to protect them. For instance, in 2007, the Bahraini authorities issued a law banning the work of construction workers or other workers under the sun at extremely high temperature between 11 am and 3 pm during the summer. However, the so-called "bulk labour" in Bahrain are still badly exploited. The manual labourers, such as workers at roads and construction, often face economic and livelihood problems with employers that reach the level of human trafficking. They are paid unreasonably low salaries, which makes them inevitably live in uninhabitable rooms, shared by a large number of other fellow foreign workers. Most of their accommodations are dilapidated where safety and protection requirements are not met.

Despite such obstacles, in most cases, the low-wage foreign workers can not resort to the complaint in the competent authorities because of the lengthy procedures in conflict resolution and long-term judiciary for final judgment. Since many of them cannot afford their life in Bahrain without being paid, migrant workers choose to accept an unfair settlement outside the judicial system or just return home, giving up the rest of the wages to be paid.

Modern enslavement: the enslavement of domestic workers

The Bahraini Labour Law of 2012 included articles regarding domestic servants. According to the law, domestic workers, who are usually female,are entitled to have 30 days annual leave, 2.5 days for each month, but in most cases the guarantors do not comply with this law. The law does not clearly regulate working hours of the day, overtime or weekend leave, as well as the payment methods of salary to ensure control in case maids claim not to receive their wages. In many cases, sponsors are prominent figures in the country and maids cannot file complaints against them. In many cases, non-Muslim female servant is obliged to wear the Islamic veil or impose a religion other than her own religion. In many cases they are subject to physical, psychological or sexual abuse, and treated as de facto slaves.

Recommendations

Salam for Democracy and Human Rights urges the authorities in Bahrain to:

1. Ensure that workers and trade unions in Bahrain do not face any kind of harassment or abuse because of their movements to prolong their legitimate rights.
2. Stop the dismissal of activists in the General Federation of Trade Unions in Bahrain or the use of any arbitrary measures against them.
3. Return all workers who have been dismissed due to their political positions or sectarian affiliation to their work or agree with them to pay compensation, especially those dismissed from work due to the popular movement in February 2011.
4. Ensure that no form of punitive measures is used against workers to participate in any protest.
5. Amend the articles of the Trade Union Law and listen to the demands of the General Federation of Bahrain Trade Unions.
6. Stop suppressing rallies and marches or preventing them from going out, including protests by trade unions on May 1 of each year.

---

*Salam for Democracy and Human Rights, NGO without consultative status, also shares the views expressed in this statement.